REMARKS

The present amendment is in response to the Office Action mailed November 14, 2003 in the above-referenced case. Claims 1-7 stand for examination. The Examiner requires the specification to include a specific reference to prior applications. The Examiner objects to the drawings. The Examiner objects to the specification. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Mikkola (U.S. 6,529,143) hereinafter Mikkola. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mikkola in view of Tso (U.S. 6,047,327) hereinafter Tso.

Applicant has carefully studied the prior art, rejections and statements provided by the Examiner. In response, the applicant has amended claims 1 and 4 to include the limitations of dependent claims 2 and 5. Claims 2 and 5 are herein cancelled. Applicant provides arguments which distinguish applicant's invention over that of the prior art.

Claims 1 and 4 are herein amended to include the ability to monitor "rate of change" in position, wherein said information is used in retrieving information from the Internet server. Applicant points out that "rate of change" is determined as the speed the user, or terminal is travelling.

Applicant argues that the art of Mikkola is limited to a vehicle application. Further, Mikkola is unable to determine the speed the interface unit is travelling, rather the system stored speed limits of roads the user is travelling and estimates travel time in that manner (col. 10, lines 6-17). What if the user is walking?

Applicant's invention provides for retrieving information for the user based on more than the position of the user. The direction of change in location may be used as well, and the rate of change, and other dynamics

derivative from location and time. The information pushed to the user, for example, would be different if the client moves from site to site on an electric cart, or by automobile, or walking around at each site. In such a case, the software at server 13 may present information quite differently. If the client is seen to be moving at a rate consistent with a vehicle, the service can provide site-to-site information, scripted also by direction of movement. If the client is seen to be moving at a walking rate, the information is more granular and specific, related to an individual site, and so forth.

The Examiner states that Mikkola teaches determining the "rate of change" or "speed" of the user (col. 8, lines 5-24 and col. 12, lines 1-17). Applicant argues that col. 8 lines 5-9 of Mikkola teaches determining direction using the cardinal point of the compass to which the terminal is moving. Column 12 lines 1-17 of Mikkola as referenced by the Examiner teach that the system has to search and inform the user of the terminal quickly enough when he has arrived in the vicinity of a POI, so that the information would be of maximum benefit. The available time depends on the speed at which the terminal and it's user are moving. As previously argued by applicant, Mikkola teaches determining speed of the user by accessing stored speed limits on roads the user travels (col. 10, lines 6-9). Clearly Mikkola does not track terminals utilizing GPS technology to determine "actual speed" a user is travelling, i.e. walking, biking etc..

Applicant believes claims 1 and 4, as amended, are patentable over the art of Mikkola as argued above. Claims 3 and 6-7 are patentable on their own merits, or at least as depended from a patentable claim.

All of the claims standing for examination have now been shown to be patentable as amended over the prior art, and applicant respectfully requests that the present case be reconsidered and passed quickly to issue. If there are any time extensions due beyond any extension requested and paid with this

amendment, such extensions are hereby requested. If there are any fees due beyond any fees paid with the present amendment, such fees are authorized to be deducted from deposit account 50-0534.

Respectfully Submitted,
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Please find below and/or attached an Office communication concerning this application or proceeding.

Non-Compliant

PTO-90C (Rev. 10/03)

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Paper No. 10

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 2/13/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see *68 Fed. Reg. 38611*, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☒ 1. Amendments to the specification:
- ☒ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____

☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
- ☐ B. Other _____

☐ 3. Amendments to the drawings: _____

☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
- ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
- ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☐ E. Other: _____

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and **this ONE MONTH time limit is not extendable.**

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION (including a submission for an RCE)**, and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Susan Ford — 703/308-9045

Legal Instruments Examiner (LIE) — Telephone No.

Rev. 10/03